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## THE NORTH CAROLINA STANDARD

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**WILLIAM W. HOLDEN,**  
EDITOR AND PROPRIETOR.

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## THE WEEKLY STANDARD.

The Constitution and the Union of the States.  
"They must be Preserved."

SATURDAY, JANUARY 11, 1851.

### THE LEGISLATURE.

Both Houses have been engaged, for the most part, since Monday last, in discussing the Reports and Resolutions on Slavery. It will be seen, by our Senate proceedings of Wednesday, that that body have passed through a second reading Resolutions on this question, embracing the Resolutions of Mr. Speaker Edwards, one of the Resolutions of the majority of the Committee of Eighteen, and one of the Resolutions of the minority of that Committee.

In the Senate, on Tuesday, Mr. Woodfin concluded his remarks against secession, and in favor of the theory of a strong Federal Government; and he was followed by Mr. Caldwell, of Mecklenburg, in a masterly effort in favor of the Resolutions of the Minority and the right of secession. We will not anticipate Maj. Caldwell by stating his positions, as we hope he will prepare his Speech for the press. It is sufficient at present to say, that he planted himself on the platform of '98 and '99, by the side of Jefferson, Madison, and Mecklenburg, and that he sustained himself in a manner which added to his already high reputation as a public man. Mecklenburg has just cause to be proud of her able and fearless Senator.

On Wednesday, in the Senate, Mr. Bynum spoke at some length on the same question, and against the right of secession; and he was followed by Mr. Washington, on the same side. Mr. Pender spoke briefly in favor of the right of secession; and in the evening, just before the vote was taken, brief Speeches were delivered by Messrs. Cameron and Bower. Mr. Cameron took ground against secession; and Mr. Bower, though in favor of the doctrine, thought it inexpedient at this time so to declare by the Legislature.

The first Resolution reported by the Minority of the Committee of Eighteen, and which was adopted by the Senate on its second reading, is regarded, by itself, as affirming the right of secession. It speaks of the Constitution of the United States as a "compact"—and if this be so, even according to Mr. Gilmer, the right to secede inevitably follows.

In the Senate, on Thursday evening, the Resolutions on Slavery referred to above, were taken up on their third reading. Amendment after amendment was then offered by gentlemen belonging to the minority of the Senate; but they were promptly voted down, and at a late hour the Senate adjourned. Mr. Gilmer's Resolutions being before the Senate as a substitute for those already adopted. A running debate took place, during the evening, in which Messrs. Hoke, Caldwell, Mr. Lillington, Bower, Clark, Houghton, Cameron, Bynum, Shepard, and others participated. Mr. Lillington spoke at some length in favor of an amendment which he offered; and Mr. Clark defined his position briefly on the question but to the point.

The impression prevails that a portion of the minority of the Senate are disposed to embarrass the Resolutions and defeat them, if possible; but we hope to-day (Friday) will show that this impression is erroneous. The people of the State are looking with deep anxiety for the result of these discussions of this vital question; and they will not fail to hold to this strict accountability those who may be instrumental in stifling their voice, or in preventing the State from speaking out in fearless and determined tones.

In the Commons, on Tuesday, Mr. Barnes of Northampton, spoke upon the Slavery question; and he was followed by Mr. Rayner upon the question generally, and particularly in support of his Resolutions, offered some weeks since. Mr. Rayner continued his remarks, and concluded at a late hour on Wednesday evening.

On Thursday, in the Commons, Mr. Erwin spoke first. His remarks were of the most decided Southern stamp. He said the *Fanatics of the North* had been encouraged by the concessions made in Washington City on questions of Constitutional right, by Southern men. He was followed by Mr. Thornton, who was listened to with profound attention, and whose remarks were warmly applauded by the members and audience in attendance. We hope soon to have the pleasure of laying his remarks before our readers.

In the evening of Thursday, in the Commons, Mr. Hill, of New Hanover, delivered a Speech on the same question, which we have heard spoken of in the highest terms. He was listened to with marked attention. He was followed by Mr. Steele, on the same side, affirming the right of secession, and declaring that, although a Whig in principle, he regarded this question as infinitely above party. He took occasion, in the course of his remarks, to allude to a certain letter said to have been written to some one in this City by the Hon. Nathaniel Boyden, in relation to the right of secession; and he denounced him for the sentiments embodied in that letter, in the severest terms. Gen. Saunders followed Mr. Steele in some remarks, in reply principally to Mr. Rayner.

Mr. Hill, of Caswell, has the floor on the same question for Friday morning, and Mr. Person, of Moore, for the evening of the same day.

### THE CHEROKEE INDIANS.

A memorial has been forwarded to the Legislature signed by white citizens of Macon and Haywood counties, in favor of the removal of the small remnant of Cherokee Indians who reside in this State. And a memorial signed by those Indians—has also been sent on to the Legislature, from which the following extract is taken. The memorialists, after setting forth that a petition has been forwarded for their removal, proceed to state:

"The North Carolina Cherokees applied to President Jefferson for permission to remain East to engage in the pursuits of agriculture and civilized life. President Jefferson promised that this should be done in the year 1808. In 1817, a treaty was made with Gen. Jackson and the Cherokees. The 8th article provided 'that such heads of families as were opposed to removal west, were to be allowed to register their names with the agent, and they and their families were to become citizens of the United States. In the treaty made two years afterwards, (1819,) the same article provides for a continuation of the provisions of the 18th article of the treaty of 1817. Under this treaty a large portion of the North Carolina Cherokees became citizens of the United States. The treaty of 1835, article 13th, provided for such as were opposed to removal west to become citizens of the State of North Carolina.

Your memorialists further allege that they have become possessed of a large scope of Mountain country; that they annually pay the taxes for the same and feel themselves in every respect bound by and subject to the laws of the State, and willing at any time to abide their issue when enforced; that the white citizens and themselves have always been friendly. It is true, the undersigned do not pay a poll tax, and do not public duty, save voting and making roads. We do not wish to vote or interfere with the elections of the whites, in any manner—we are ignorant of the principles of the candidates.

Your memorialists beg leave to state that should their adopted State and country demand their services, they will not be the ones to shrink from public duty. Their ready rifle shall be the first to respond to their country's call.

Your memorialists further represent that this country was the home of their forefathers; that they do not wish to remove west, nor is it ever their intention. That they are satisfied with the country, and wish to lay their bones by the side of those of their tribe who have gone before them."

### THE SLAVERY QUESTION.

Without the Constitution, or with the Constitution disregarded and palpably violated, the Union of the States would be an evil of much greater magnitude than any which we might anticipate from dissolution—for one violation of that instrument, if acquiesced in, would speedily lead to others, ending only in the complete overthrow of State sovereignty, and the establishment of a central, consolidated despotism. The creature would thus, through usurped power, become greater than those who gave it being; and instead of a representative government and the voice of the people, Constitutionally uttered, we should have the edicts of the dispensers of Federal patronage and the iron sway of a sectional majority. Human liberty, and the elevation of the masses through all time to come, depend upon the preservation of the Federal Constitution in its purity and original spirit; and that Constitution can only be preserved by a strict construction of the powers enumerated in it, and by a constant and jealous regard for the rights of the States.

It is the duty of North Carolina to speak out now on this question of Slavery, in the plainest language she can use. While she acquiesces in the action of the late Congress on this question, she does so with a deep sense of the wrongs which that action has inflicted upon her as a slaveholding State; and she owes it to herself to declare, with her Southern sisters, that she will regard the repeal of the Fugitive Slave Law, or its essential modification by Congress, as conclusive evidence that a further continuance of the Union is not to be expected, or even hoped for. Such a course on the part of Congress would, of itself, dissolve the Confederation; and the responsibility of disunion and for every evil which might flow from it, would be justly chargeable, and chargeable alone, on the people of the free States.

### TAX ON NORTHERN GOODS.

A friend, writing us from Warren County, brings this subject to our attention, and asks us to take it in hand and press it upon the General Assembly. He says:

"By reference to the opinion of Chief Justice Ruffin delivered in the case of *Wynne vs. Wright-Dev. and Bat. lat. vol. p. 19*—you will see this question fully and ably argued and decided in behalf of this power. The learned Judge, in delivering his decision, refers to two cases decided in the Supreme Court of the United States—Chief Justice Marshall delivering the opinion of the Court—in support of his decision. These adjudications settle the question of power, unless our enemies have determined to nullify every thing that conflicts with their vile notions."

In my private discussions upon this question, I have uniformly maintained the doctrine that the State has this power, and that it ought to be exercised immediately, as possibly it might be the means of bringing our enemies to their senses—as their patriotism seems to be measured by the "almighty dollar."

We would remind our Warren friend that this question has already been considered by the Committee on Slavery, raised by the two Houses, and that a recommendation to tax the products of non-slaveholding States was made by the majority of the Committee. The subject has been and is exciting attention and discussion here, but what the result will be we are unable to say. The power to tax these products is no doubt clear; the question is now one of expediency alone. We repeat, we cannot predict what the General Assembly will do in this respect; nor can we foretell, with any degree of accuracy, what declarations that body will deem it proper to make on the Slavery question generally.

William P. Watt, Esq. Senator from the County of Rockingham, elected to supply the vacancy occasioned by the resignation of Daniel W. Cours, Esq. appeared in the Senate on Thursday morning last, and took his seat.

We learn that during the past year there have been 39 deaths in this City—15 white and 24 colored.

### REMARKS OF GEN. SAUNDERS,

of WAKE.

Delivered in the House of Commons of North Carolina, on the proposed amendments of the Constitution of the State.

Mr. Saunders said the questions before the House were clear and simple, and in submitting what he had to say it was his purpose to confine himself directly to the matter under consideration.

It was competent for the Legislature to advise the amendment of the Constitution of the State in one of two ways—either case, the sanction of the people was necessary. The first mode was by a legislative act, proposing a specific amendment, which was necessary to be carried by a vote of three-fifths of each House—to be published for six months, and then to be again agreed to by a vote of two-thirds of each branch of the General Assembly. The second mode was by the call of a Convention, which requires the vote of two-thirds of each branch of the Legislature. This Convention may be restricted by the act calling it, to particular subjects therein named; and, if approved by the people, becomes valid. The first question on the bill reported by the Committee, recommending a single change—that of abolishing the freehold of fifty acres of land entitling the voters to vote for Senators; in other words, the recommendation was to establish free suffrage. The second is the proposition of the gentleman from Hertford, Mr. Rayner, to call a Convention to be limited to the single question of amending the Constitution in regard to free suffrage; and the third proposition is to call a general Convention, as proposed by the gentleman from Davidson, Mr. Foster. Mr. Saunders said, as has been for legislative purposes, the recommendation of the first plan. And here Mr. Saunders said he must correct a statement made by all of the gentlemen on the other side of the House—an assertion, which they must know to be erroneous, and which is followed up and persisted in by the Whig papers of the State, to what end it is not difficult to say. These gentlemen say and repeat over and over again, until they seem to have persuaded themselves of its truth, that we, the Democratic party, with all our respect for the people, are unwilling to trust anything to their discretion; whereas they, kind souls! are willing to consult the people as to whether they wish any amendments, and what they desire. Fortunately for us, assertion is not proof, and its repetition does not go to the question. The gentleman called the attention of the gentleman from Davidson to a matter which appears in the report of his Speech, and which he, Mr. S., trusted, for the gentleman's sake, was a mistake. He was a young man, and he, Mr. S., would gladly give him the opportunity of setting himself right. The expression alluded to was this:

"The Constitution, as it existed from 1776 to 1836, was framed by monarchists, and the people never have had an opportunity of fully amending it, and making it such as they desired. The people should have this privilege."

[Mr. Foster here explained.]

Mr. S. said he was glad to see the gentleman, and that it was the House to decide. He thought the explanation not at all satisfactory.

The Constitution of the State was formed by a Congress of the free men of the State, who met at Halifax in December, 1776; and so far from being an assembly of monarchists, it was composed of such men as Richard Caswell, the President, James I. Abernethy, Nathaniel Avery, and other distinguished patriots and soldiers of the Revolution. The assertion, said Mr. S., to which he had referred, was that the Democratic party, who advocate this change from a freehold to a free suffrage, did not wish to consult the wishes of the people. This was contrary to the truth. What he asked, were the facts? Both parties of the State had held their Conventions in this City, in May last, for the nomination of a candidate for Governor. In these Conventions both parties professed themselves as in favor of free suffrage—the Whigs saying steps ought to be taken for consulting the people as to this and other changes, and the Democrats considering the wishes of the people as already fully known as to this measure, and declaring that the measure to be adopted was the Democratic candidate had before declared himself in favor of this change, and this declaration he again repeated in the most unequivocal terms—so much so, that he was charged with using it as a hobby. And notwithstanding all this, we are charged with introducing into this Hall a firebrand, and this change, thus proposed, is called a humbug, and other names of that kind. Mr. S. said he again demanded to know the necessity of consulting the people in relation to a measure on which they had already spoken in such decided terms; and why gentlemen would be at the expense of calling a Convention to effect a change which could be so easily effected by a simple act of legislation. No member of the House was more disposed than he was to execute the will of the people, when he was asked no doubt to what that will was. He had ever held mutual confidence between the representative and constituent to form the brightest gem in the diadem of a representative government, and, for one, he had only to be informed as to that will, and he stood ready to obey.

Again, said Mr. S., it has been asserted by Western gentlemen that the people of the State were not in favor of the change of expressing their wishes as to the changes they desired in the organic law. This he denied. He himself had been a member of a People's Convention, composed exclusively of members from the Western Counties, about the year 1822; and pray, what did the West then ask? The election of Governor by the people, the abolition of County representation, biennial sessions, and a less number of Senators and Commons. And, asked Mr. S., have not all these things been granted? It cannot be denied but what they have. Where, then, was there any proof that the West demanded a Convention? He had heard of no demand of this sort, save only by a few on this floor.

And now, continued Mr. S., let us inquire what was the constitutionally proposed change between the East and the West in the Convention of 1835, when the Constitution was amended. And he, Mr. S., ventured to say no people had ever acted with a greater degree of liberality than had the people of the East, in the surrender of the power which they then held. He was neither an Eastern nor a Western man. He had been born in the West, on the banks of the Dan, where he possessed the bones of his ancestors; yet he claimed to be a North Carolinian, prepared to do justice to every section of the State. Before the year 1835 you had a County representation—one Senator and two Commons for each County, without regard to either population or taxation. This was so manifestly unequal and unjust, that a change was made. The East, having much the greater number of slaves, and paying, of course, the greater amount of poll-tax, agreed to compromise by giving up their County representation, provided the West would agree to adopt as the basis of representation the same rule as had been adopted by the Federal Government. This was accordingly agreed to, and hence the Federal basis. He, Mr. S., would ask his Western friends if it would be just or just for Wake County, who has upwards of ten thousand slaves, and who pays upwards of \$5,000 of taxes into the Public Treasury, to give up one of her members in favor of a County who scarcely pays an amount of taxes sufficient to defray its County charges on the State? He, Mr. S., thought not; and this brings me, said Mr. S., to the immediate question before the House—the abolition of the freehold qualification for Senatorial voters. And what, he asked, was the basis of representation for the Senate as prescribed by the amended Constitution? It had been, as he had before stated, a County representation, when the freehold qualification might have been proper. It was then changed to that of taxation, and of taxation alone. The whole amount of taxes, as

paid into the Public Treasury, was to be divided by 50, the number of Senators; and the average of five years was to be taken as the basis immediately preceding the year in which the Districts were to be laid off; for instance, the year 1852. What will this give to each Senatorial District? About the sum of \$2,000. Now, Mr. S. demanded to know who paid this aggregate of \$2,000? Was it the man who owned his fifty acres of poor land, or the common laborer, who in the hour of danger was called to fight the battles of his country? Again, how unequal and unjust was it that the man who paid his tax on his fifty acres of land, not worth more than fifty dollars, should have the right to vote for a Senator, whilst the inhabitant of this or any other town, who owned a lot worth \$5,000, could not vote, though he had to pay on that sum his share of the \$2,000 which gave the right to a Senator? Away, said Mr. S., with such gross injustices!

But, said Mr. S., this freehold qualification is in principle as anti-republican as it is unjust. To prove this, he should not refer to the expression of Dr. Franklin about the jacksass, but to a still higher authority—Thomas Jefferson. He is speaking of his objections to the Constitution of Virginia; "lastly" he says "he objects to the restriction on the right of suffrage to freeholders, saying that our countrymen, who fight and pay taxes, are excluded like Helots from the right of representation, as if society were instituted for the soil, and not for the men inhabiting it, and that one-half of these could dispose of the rights and the will of the other half, without their consent." Here we have the whole thing in a nutshell, and that expressed in the most beautiful terms of protecting the interests of the man, and not man for the soil. If we are all for free suffrage, said Mr. S., why not at once adopt it? Every one speaks for it as a mere abstract right, yet gentlemen over the way say it should not be granted; and one gentleman (from Burke) has had the frankness to admit his constituents are for it, and yet he will not vote for it, unless he give a general Convention. For this we of the East cannot vote, unless we are to understand what it is that is proposed to be done. As to a change of the basis of representation, that should not be asked for or even expected at this time, when we of the South are contending for this slave representation which the Abolitionists would take from us to-morrow if they had the power. He, Mr. S., would say to the gentleman from Burke, that the largest tax-paying Counties from the East, and a like number from the West—from which it appears the former pay \$55,000—to which should be added Granville and Wake, \$10,127—and the latter only \$36,000. Can it be expected, then, that those who pay for the support of your government should surrender the power of protecting their interests? The true principle of a representative government is that of population and taxation—ours is based on this principle, and should not be changed. The progress of the age is in favor of the change now proposed. Virginia is the only State which adheres to the freehold, and there it will doubtless be given up in less than a month. In South Carolina, whilst the freehold entitles a man to vote, yet he may do so without residence and taxation. Why should we be the last to cling to this freehold qualification? Because, say gentlemen, the people have not been consulted! Is not, he would ask, the representation on this floor as fair an idea of the popular will as would be that of a Convention? The same people are to elect; and Mr. S. would say yet he may do so without residence and taxation. Why should we be the last to cling to this freehold qualification? 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